IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICITON

CIVIL APPLICATION NO. 927 OF 2007
IN
WRIT PETITION NO. 7715 OF 2006

Tora Khasgir Borhani & Anr. ... Applicants

VERSUS

Foreigners Regional Registration Officer & Anr. ... Respondents.

Mr. Jamshed Mistry with Mr. P.M. Havnur for the Applicants

Mr. R.M. Patne, Assistant Government Pleader, for Respondent No. 1

Mr. S.S. Pakale with Mr. R.C. Master for Respondent No. 2.

CORAM: J.N. PATEL AND V.M. KANADE, JJ.
DATE: JULY 18, 2007

P.C.:-

1. This application has been moved for seeking further orders in the petition, which came to be disposed of by this Court on 23rd January, 2007.

2. The subject-matter pertains to an Australian citizen of Iranian origin, who had married an Indian citizen, and on a previous occasion, visited India, over-stayed for a day, had moved out of the place, where he had registered himself, and was found at Mumbai. Applicant No. 2 was thereafter dealt with in accordance with law, was required to pay a fine, and leave the country.

3. As Applicant No.2 was denied Employment Visa, he was required to approach this Court by filing the Writ Petition for seeking directions against the respondent-authorities to permit him to apply for Employment Visa and to remove his name from the P.R. (Prior Reference) Category. This Court, after hearing the parties and examining the record, was of the view that considering the fact that the second applicant is married to an Indian citizen, and is required to come to India for work, his application for issuance of Employment Visa can be considered; and if he commits any breach, then the respondents would be at liberty to take appropriate action.

4. The learned counsel for the applicants informs the Court that the application of applicant No. 2 had not been processed; and due to lapse of time, fresh orders are required in the matter.

5. On the other hand, it is submitted on behalf of the respondents that as no application has been received by the authorities for seeking an Employment Visa, the question of processing the same does not arise; and if at all applicant No.2 wants to seek an Employment Visa, he may file a fresh application to the Indian High Commission in Australia, which will be processed in accordance with law.

6. The learned counsel for the applicants submits that applicant No. 2 would apply for Employment Visa within one week. On such application being received, the Indian High Commission for Australia would take a decision in the matter within a period of six weeks. The learned counsel for the

second respondent submits that an authenticated copy of the order be furnished to them, so that it can be forwarded to the Minister for External Affairs for communicating to the Indian High Commission for Australia for processing the application of applicant No. 2 in accordance with law.

7. The application stands disposed of accordingly.

J.N. PATEL, J.

V.M. KANADE, J.